

51-6-2-240
II

96TH CONGRESS
1ST SESSION

S. 1878

To improve budget management and expenditure control by revising certain provisions relating to the Comptroller General and the Inspectors General of the Departments of Energy and Health, Education, and Welfare, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11 (legislative day, OCTOBER 4), 1979

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To improve budget management and expenditure control by revising certain provisions relating to the Comptroller General and the Inspectors General of the Departments of Energy and Health, Education, and Welfare, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "General Accounting
4 Office Act of 1979".

1 **TITLE I—GENERAL ACCOUNTING OFFICE**2 **PROVISIONS**3 **UNVOUCHERED EXPENDITURES**

4 **SEC. 101.** Section 117 of the Budget and Accounting
5 Procedures Act of 1950 (31 U.S.C. 67) is amended by adding
6 at the end thereof the following new subsection:

7 “(f)(1) Notwithstanding any provision of law which per-
8 mits an expenditure to be accounted for solely on the approv-
9 al, authorization, or certificate of the President of the United
10 States or an official of an executive agency, the Comptroller
11 General shall have access to such books, documents, papers,
12 records, and other information relating to any such expendi-
13 ture as may be necessary to enable him to determine whether
14 the expenditure was, in fact, actually made and whether such
15 expenditure was authorized by law. The provisions of this
16 paragraph may be superseded only by a provision of law en-
17 acted after the date of enactment of this paragraph which
18 specifically repeals or modifies the provisions of this para-
19 graph. In the case of an expenditure under section 102, 103,
20 105(d) (1), (3), or (5), or 106(b) (2) or (3), of title 3, United
21 States Code, the provisions of sections 102, 103, 105(d), and
22 106(b) of such title shall govern the examination of such ex-
23 penditures by the Comptroller General in lieu of the provi-
24 sions of this subsection.

1 “(2) With respect to any expenditure accounted for
2 solely on the approval, authorization, or certificate of the
3 President of the United States or an official of an executive
4 agency and notwithstanding any provision of law, no officer
5 or employee of the General Accounting Office may release
6 the findings of its audit of such expenditure or disclose any
7 books, documents, papers, records, or other information con-
8 cerning such expenditure to anyone not an officer or em-
9 ployee of the General Accounting Office, except to the Presi-
10 dent or the head of the agency concerned or, in the case of
11 unresolved discrepancies, to a duly established committee or
12 subcommittee of the Congress.

13 “(3)(A) Nothing in this subsection shall be construed as
14 affecting the authority contained in section 8(b) of the Central
15 Intelligence Agency Act of 1949.

16 “(B) The President may exempt from the provisions of
17 paragraph (1) of this subsection financial transactions which
18 relate to sensitive foreign intelligence or foreign counterintel-
19 ligence activities. An exemption under this subparagraph
20 may be given for a class or category of financial transactions.

21 “(C) Information concerning financial transactions taken
22 pursuant to section 8(b) of the Central Intelligence Agency
23 Act of 1949 and information concerning financial transac-
24 tions exempted from the provisions of paragraph (1) pursuant
25 to subparagraph (B) shall be reviewable by the Permanent

1 Select Committee on Intelligence of the House of Repre-
2 sentatives and the Select Committee on Intelligence of the
3 Senate.”.

4 ENFORCEMENT OF ACCESS TO RECORDS

5 SEC. 102. Section 313 of the Budget and Accounting
6 Act, 1921 (31 U.S.C. 54) is amended by inserting “(a)”
7 before “All” and by adding at the end the following new
8 subsections:

9 “(b) If any information, books, documents, papers, or
10 records requested under subsection (a) or any other provision
11 of law or agreement granting the Comptroller General a
12 right of access from any department or establishment have
13 not been made available to the Comptroller General within a
14 period of twenty calendar days after the request has been
15 delivered to the office of the head of the department or estab-
16 lishment involved, the Comptroller General, through any at-
17 torney designated by him, may, after twenty calendar days
18 notice to the Attorney General, apply to the United States
19 District Court for the District of Columbia for an order re-
20 quiring the production of such material by the head of the
21 department or establishment. The Attorney General is au-
22 thorized to represent the defendant official in such proceed-
23 ings. Any failure to obey an order of the court under this
24 subsection shall be treated by the court as a contempt there-
25 of.

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1 “(c)(1) To assist in carrying out his functions, the
2 Comptroller General may sign and issue subpenas requiring
3 the production of contractor and subcontractor records per-
4 taining to negotiated contracts and records of other non-Fed-
5 eral persons or organizations to which he has a right of
6 access by any law or agreement. Service of a subpoena issued
7 under this subsection may be made by anyone authorized by
8 the Comptroller General (A) by delivering a copy thereof to
9 the person named therein, or (B) by mailing a copy thereof by
10 certified or registered mail, return receipt requested, ad-
11 dressed to such person at his residence or principal place of
12 business. A verified return by the person serving the subpoena
13 setting forth the manner of service or, in the case of service
14 by certified or registered mail, the return post office receipt
15 signed by the person so served, shall be proof of service.

16 “(2) In case of failure to obey a subpoena issued under
17 paragraph (1), the Comptroller General, through any attor-
18 ney designated by him, may invoke the aid of any district
19 court of the United States in requiring the production of the
20 records involved. Any district court of the United States
21 within whose jurisdiction the contractor, subcontractor, or
22 other non-Federal person or organization is found or resides
23 or in which the contractor, subcontractor, or other non-Fed-
24 eral person or organization transacts business, may, in case
25 of refusal to obey a subpoena issued under this section, issue

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1 an order requiring compliance therewith. Any failure to obey
2 an order of a court under this paragraph shall be treated by
3 the court as a contempt thereof.”.

4 APPOINTMENT OF THE COMPTROLLER GENERAL AND THE
5 DEPUTY COMPTROLLER GENERAL

6 SEC. 103. (a) Section 302 of the Budget and Account-
7 ing Act, 1921 (31 U.S.C. 42) is amended by inserting “(a)”
8 before “There” and by adding at the end thereof the follow-
9 ing new subsection:

10 “(b)(1) Whenever, after the date of enactment of this
11 subsection, a vacancy occurs in the Office of Comptroller
12 General or in the Office of Deputy Comptroller General,
13 there is established a commission to recommend individuals
14 to the President for appointment to the vacant office. Any
15 such commission shall consist of—

16 “(A) the Speaker of the House of Representa-
17 tives,

18 “(B) the President pro tempore of the Senate,

19 “(C) the majority and minority leaders of the
20 House of Representatives and the Senate,

21 “(D) the chairman and ranking minority member
22 of the Committee on Government Operations of the
23 House of Representatives and of the Committee on
24 Governmental Affairs of the Senate, and

1 “(E) in the case of a vacancy in the Office of
2 Deputy Comptroller General, the Comptroller General
3 of the United States.

4 “(2) Any commission established under paragraph (1)
5 shall submit to the President for consideration the names of
6 not less than five persons for the Office of Comptroller Gen-
7 eral. The President, within his discretion, may request that
8 additional names be submitted.”.

9 (b)(1) The first paragraph of section 303 of such Act (31
10 U.S.C. 43) is amended by striking out the first sentence and
11 inserting in lieu thereof the following: “Except as otherwise
12 provided in this section, the Comptroller General shall hold
13 office for fifteen years and the Deputy Comptroller General
14 shall hold office from the date of his appointment until the
15 date on which an individual is appointed to fill a vacancy in
16 the Office of Comptroller General. The Deputy Comptroller
17 General may continue to serve until his successor is
18 appointed.”.

19 (2) The amendment made by paragraph (1) shall not
20 apply to the person occupying the position of Deputy Comp-
21 troller General on the date of enactment of this Act, but shall
22 apply with respect to any vacancy in such position occurring
23 on or after such date, and shall apply to any person appointed
24 to fill such a vacancy.

1 TITLE II—CONFORMING AMENDMENTS WITH RE-
2 SPECT TO THE INSPECTORS GENERAL OF
3 THE DEPARTMENTS OF ENERGY AND
4 HEALTH, EDUCATION, AND WELFARE

5 AMENDMENT TO THE ACT OF OCTOBER 15, 1976

6 SEC. 201. Section 203(b) of the Act of October 15,
7 1976 (90 Stat. 2430; 42 U.S.C. 3523), is amended to read as
8 follows:

9 “(b) In carrying out the responsibilities specified in sub-
10 section (a)(1), the Inspector General shall—

11 “(1) comply with standards established by the
12 Comptroller General of the United States for audits of
13 Federal establishments, organizations, programs, activ-
14 ities, and functions;

15 “(2) establish guidelines for determining the ap-
16 propriate use of non-Federal auditors; and

17 “(3) take appropriate steps to assure that any
18 work performed by non-Federal auditors complies with
19 the standards established by the Comptroller General
20 as described in paragraph (1).”.

21 AMENDMENT TO THE DEPARTMENT OF ENERGY

22 ORGANIZATION ACT

23 SEC. 202. Section 208 of the Department of Energy
24 Organization Act (42 U.S.C. 7138) is amended by adding at
25 the end thereof the following new subsections:

1 “(h) In carrying out the responsibilities specified in sub-
2 section (b)(1), the Inspector General shall—

3 “(1) comply with standards established by the
4 Comptroller General of the United States for audits of
5 Federal establishments, organizations, programs, activ-
6 ities, and functions;

7 “(2) establish guidelines for determining the ap-
8 propriate use of non-Federal auditors; and

9 “(3) take appropriate steps to assure that any
10 work performed by non-Federal auditors complies with
11 the standards established by the Comptroller General
12 as described in paragraph (1).

13 “(i) In carrying out his duties and responsibilities under
14 this section, the Inspector General shall give particular
15 regard to the activities of the Comptroller General with a
16 view toward avoiding duplication and insuring effective co-
17 ordination and cooperation.

18 “(j) In carrying out his duties and responsibilities under
19 this section, the Inspector General shall report expeditiously
20 to the Attorney General whenever the Inspector General has
21 reasonable grounds to believe there has been a violation of
22 Federal criminal law.”.

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